Supreme Court of the United States

October Term, 1955

No. 48

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA,
Petitioner

v.

SUBVERSIVE ACTIVITIES CONTROL BOARD

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

BRIEF OF AMERICAN BAR ASSOCIATION, *AMICUS CURIAE*

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INDEX

Cases Cited

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BRIEF OF THE AMERICAN BAR ASSOCIATION AS *AMICUS CURIAE*

This brief is filed pursuant to the consent of the attorneys for the parties.

QUESTIONS PRESENTED

We believe that the two prime questions presented to this Court are:

1. Is the Internal Security Act of 1950 constitutional?
2. Is the Order appealed from and directed to peti-

tioner, Communist Party of the United States of America, a valid Order under the Act?

CONDITIONS LEADING TO ENACTMENT

Over a period of years, antedating the enactment of this statute in 1950, the Congress of the United States had received detailed and convincing information that enemies of our form of government were actively at work to destroy the American system. Furthermore, it was shown that these enemies were under the domination and control of a foreign government. In addition, the elected representatives of the people determined that the enemies in question were intent on accomplishing their program by force and violence rather than through change in our constitutional system by orderly process.

From official sources, such as the Federal Bureau of Investigation, and other security agencies, the Congress received sworn testimony that the aims of communists were in furtherance of world revolution and the triumph of international communism. The achievement of this aim, the reports showed, would mean the violent and complete destruction of the United States government.

The Congress determined that the concerted activities of the Communist Party constituted a menace to the established order, and that the systematic interference of a foreign power in the domestic affairs of this country constituted a source of grave danger.

Throughout the period in question, committees of the Congress conducted investigations and hearings to ascertain all facts bearing upon the situation. Witnesses, who had held important positions within the communist network, testified as to the communist program of infiltration into the government service, defense plants, sensitive areas and the field of education in the Uni-

ted States. The law-making branch also learned that universities and colleges of the country had conducted separate inquiries of their own and had established facts which resulted in the expulsion of professors and teachers who failed to satisfy the responsible authorities of these institutions that they were loyal to the United States government.

Not only did committees of Congress investigate in Washington this information indicating that the security of the nation was being threatened by subversion; but they went to various parts of the country holding hearings in order to secure "on the spot" information as to the existence and extent of such dangers. The findings of the Congressional committees were reported to the United States Senate and House of Representatives and were available to all at the time the legislation leading up to the Internal Security Act of 1950 was under consideration.

It was against that background that the Congress legislated in 1950. The reports of the Committees, the thorough-going debates on the floor and the extensive consideration before the roll-call votes of both Houses on the several votes taken all combine to indicate that the action taken by the majority of the people's elected representatives was a deliberate one, and not a hurried judgment. The widespread public support for such legislation was demonstrated by the passage of the bill over the President's veto by the overwhelming vote in the Senate of 57 to 10 and in the House of 286 to 48.

It was the final decision of the legislative branch of the government to protect the security of the nation. Such judgment of our coordinate branch of the government must not be lightly overthrown. Congress, in the Act, Section 2, stated the necessity for such legislation.

As to the then existing conditions, see the concurring opinion of Justice Jackson in *Dennis* v. *United*

States, argued December 4, 1950, decided June 4, 1951, 341 U.S. 561-570.

RESOLUTION OF AMERICAN BAR ASSOCIATION

At its Annual Meeting in Washington, D. C., on September 22, 1950, the American Bar Association through its Assembly and House of Delegates duly adopted a resolution that "world conditions and the objectives as set forth" in the proposed Internal Security Act of 1950 "require the prompt enactment of the legislation for the security of the nation" and recommended the passage of such legislation. (See 75 A.B.A.Rep. 149 (1950)).

ARGUMENT

I

Congress Has the Duty and the Power to Enact Laws To Safeguard the Security and Welfare of the Nation.

There is no purpose or power in government more fundamental than the protection of the nation from invasion, domination or subversion.

The duty and the power were specifically vested by the people in our federal government by constitutional mandate. The words of the Preamble "insure domestic Tranquility, provide for the common defence, promote the general Welfare * * *" were supported by the specific grants of powers in Article I, Section 8. To amplify those express powers, the Constitution further provided Congress with the general power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The power of Congress to protect our people embraces every phase of national security. The duty of self-preservation must be exercised within the framework of the Constitution. The duty and the power of the Congress have well been restated by this Court in *Dennis* v. *United States* 341 U.S. 494 (by Chief Justice Vinson at page 501; by Justice Frankfurter at page 519).

There can be no individual rights or freedoms without national security.

In the light of existing conditions the Congress would have been derelict in its duty had it not enacted legislation within its power deemed by it adequate to protect the national welfare. The country was entitled to protection—not alibis or epitaphs.

Where no constitutional or statutory provision is violated, the courts are no more immune from the duty to safeguard the nation than is the Congress or the President.

II

The Act Is Constitutional

If the Act, as applied to this petitioner, is unconstitutional this Court must and should so declare. However, with great respect for this Court, but with equal firmness, we submit that only the constitutionality of the Act and the validity of the Order under the Act are the concern of this Court. In nowise is it the prerogative of this or any other court to pass upon the wisdom or the lack of wisdom of the method or the provisions chosen by the Congress—within its constitutional powers—to safeguard the nation from the menace that was obvious to it and to the people of this nation. That this Court or any of its members might deem a different plan or other provisions within the Constitution more effective and

more desirable is wholly immaterial. Changes in the Act in the light of experience may hereafter be required, but that, too, is the duty of the Congress and not of this Court.

The essentials of legislative functions are preserved when Congress authorizes a statutory command to become operative upon ascertainment of a basic conclusion of fact by a designated representative of the government.

Due process requires appraisal in light of conditions confronting Congress during the continuation of the challenged action. (*Kiyoshi Hirabayashi* v. *United States*, 320 U.S. 81)

The issues being numerous, however, our views, of necessity, will be restricted primarily to what we conceive to be the more significant issues presented.[1] In discussing these questions, we necessarily do so, of course, from the standpoint that the Communist Party is, as found, and as we believe, "a communist-action organization," as defined.

In order to consider the First Amendment and due process questions, as applied to petitioner, it must be done in the proper setting.

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[1] We are of the opinion that some of the questions, for varying reasons, do not warrant consideration by the Court on the merits, e.g., the self-incrimination question, which we believe is premature, and the preponderance of the evidence question, which we believe was correctly decided by the Court below in which was vested by the Act the responsibility for determining the sufficiency of the evidence, and in discharging this duty it is evident from the Court's opinion that there was "a fair assessment" of the record, thus leaving this Court to invoke "'. . . the usual rule of non-interference . . .'". *National Labor Relations Board* v. *Pittsburgh Steamship Co.*, 340 U.S. 498, 502-503. Again, the so-called sanction provisions do not lend themselves readily to sharp scrutiny since they do not come here in the context of the usual case or controversy. We discuss the "sanctions" nevertheless.

Fairness of procedure, as provided in the Act, is due process in the primary sense. (*Brinkerhoff-Faris Trust Co.*, v. *Hill* 281 U.S. 673, 681).

This Court takes judicial notice that findings of the legislature have support in facts. (*Home Building & Loan Association* v. *Blaisdell*, 290 U.S. 398; *Atchison, Topeka & Santa Fe Ry Co.* v. *United States*, 284 U.S. 248).

Succinctly then, we state what petitioner has been found to be and not to be by respondent and the Court below.

It has been determined not to be just one of those "unpopular causes" or a bona fide, domestic political party, albeit radical. It has been determined to be an organization serving under the control of the Soviet Union, an organization which will accept twists of discipline, intellectual and otherwise,[2] from the former and, under the control of the Soviet Union, has as its purpose the destruction of our form of government by unconstitutional means. (*Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123; *Dennis* v. *United States*, 341 U.S. 494; *American Communications Assn.* v. *Douds*, 339 U.S. 382).

In this setting, we turn to the First Amendment question.

The Communist Party-petitioner's contention that the Act violates its freedom of speech under the First Amendment is without merit. Section 1 of the Act eliminates any basis for such argument.

By no sane or sound construction of the Act can it be deemed to control freedom of thought or of speech or to apply to radical espousal or radical organizations unless they result from foreign domination of the communist

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[2] For example, its gyrations in regard to fascism and Nazi Germany before and during the World War II era.

movement. No organization and no individual—however radical but not so dominated—is encompassed by this Act. Nor is any person or organization prevented from advocating any change, however far-reaching, however unsound, however obnoxious, through change in our Constitution.

Article V of the Constitution provides one of the greatest of all rights—possibly even the greatest—that of the people to effect *any* change in our government by the adoption of appropriate amendment to the Constitution. Orderly change in the government by choice of the people is not one of the basic concepts of communism, which espouses rather subversion and violent revolution. In no country that communism dominates has it achieved power by the free choice of its people—not even in Russia.

The Purpose Of The Act Is To Safeguard This Nation And Its People. The Act Is Carefully Drawn And Fixes Adequate Standards.

The registration features require disclosure by petitioner and so-called sanctions on petitioner and its members automatically flow therefrom. It is our view that reasonable disclosure is entirely consistent with the thesis that the best approach to erroneous doctrines is exposure. Members of this Court have, in effect, so stated. (*Viereck* v. *United States*, 318 U.S. 236, 251, Mr. Justice Black dissenting, with Mr. Justice Douglas concurring). The required diselosure here is within what a sovereignty is surely entitled to know from an organization within its borders dedicated to its overthrow.

What petitioner seems to contend, in effect, is that it is constitutionally objectionable to cause the required disclosures by an organization which seeks to overthrow our government while nowhere coming to grips with the prop-

osition that a simple foreign agents' registration act is indisputably constitutional.[3] If this implication were taken to its logical conclusion, it would result in the contention that though faced with the proposition that a foreign agents' registration act is constitutional, it is unconstitutional if applied to an organization supported by a foreign power and a world movement which pose a grave threat to our national well-being. Thus, required registration and disclosure by an innocuous foreign agent would be constitutional but not so if required of one that has a harmful purpose.

The next question is whether the registration features of the Act are unreasonable, all things considered. The answer is "No". It is quite prudent that our government require that a domestic organization, supported as it is by the Soviet Union, register for what it is and reveal its officers and membership, as well as its finances. This is, under the circumstances, a restrained attempt to gain self-protective information and inform the public. Even now ingredients are required to be labeled under the Pure Food and Drug Act. Lobbyists are compelled to register. Securities offered for sale are required to be listed. To protect the public, states require their corporations to identify themselves as such by the addition of the words, "Corporation," "Inc.," "Limited" or other designation. It is apparent that the determination and Order that petitioner label itself "a Communist Organization" under the Act is a "bone in the throat."

The Order will no doubt curtail the former effectiveness of the Communist Party in this country—not so much because of the registration requirement, but because of the determination—under law—of its true conspiratorial na-

[3] Cf. *Viereck* v. *United States*, *supra*, where the constitutionality of the Foreign Agents Registration Act then under review was not even attacked as being unconstitutional.

ture and its foreign domination. Its consequent inability to secure cooperation and collaboration of thousands of innocent persons for its secret and traitorous work, as in the past, is one of the very objectives of the Act.

Legitimate political parties have not died or become ineffective because of the requirement for reporting campaign contributions and expenditures.

The petitioner's contention that the Act is "one of outlawry" has neither basis nor merit. The Act is directed to every communist-action organization whatever it be, or whatever its name. Any organization coming within the purview or purpose of the Act would be required to register or, upon its failure so to do, would after petition and hearing, be so ordered by the Board. If the Democratic, Republican, Prohibition, or any other political party were ever to become dominated by a foreign communist power, as provided in the Act, it would be subject to the same requirements and a similar Order as that appealed from.

The truth and the fact, well established before the Board, as well as in criminal trials and Congressional investigations, is that the petitioner, the Communist Party, is not a "political party" in the sense used by the American people, but is a foreign dominated group posing as a political party for subversive purposes. Justice Jackson's description in the *Dennis* case, 341 U.S. at 565-566, of the purpose, the method, and the effectiveness of a similar traitorous foreign dominated communist group in Czechoslovakia demonstrates the tragedy of a nation's failure at self-preservation.

Petitioner contends that to register would be to tarnish itself and lose for it access to the market place of ideas. If this speculation be true, petitioner must look elsewhere than to the Constitution for relief. The Constitution does not salvage from reasonable regulation those seeking, un-

der foreign control, its destruction. (Cf. *Dennis* v. *United States* 341 U.S. 494).

Notwithstanding the definition of a communist-action organization, which petitioner meets, it seeks support from *Thomas* v. *Collins*, 323 U.S. 516. But petitioner may not in the context of this case assume its role to be analogous to that of a labor organizer engaged in legitimate activities. The context here is so vastly different as to make *Collins* inapplicable. Nor, as petitioner contends, is there support for it in *Herndon* v. *Lowry* 301 U.S. 242 or *DeJonge* v. *Oregon*, 299 U.S. 353, both criminal cases. In the former, the Court held that the statute, as applied, violated the Fourteenth Amendment since ". . . the requisite proof is lacking.[*]" (p. 259), and "[t]he statute, as construed and applied in appellant's trial, does not furnish a sufficiently ascertainable standard of guilt." (p. 260). In *DeJonge*, the Court held that the state may not "seize upon mere participation in a peaceable assembly and a lawful public discussion as the basis for a criminal charge." (p. 365); and that the "statute as applied to the particular charge as defined by the state court is repugnant to the due process clause of the Fourteenth Amendment." (p. 366)

It is one thing to say that one may not be jailed under the circumstances of those cases and quite another thing to say that petitioner may not under the Act and on the record in this case be required to make disclosure and its members denied access to the areas covered. Further, there is not here a failure of the proof to meet the statute.

After it is the law of the land that an organization is determined to be a communist-action organization, it is

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[*] The Court found that in the address in question the statutory requirement ". . . incitement or attempted incitement to insurrection by violence" was lacking (p. 259).

our view that the government may and should take reasonable protective measures in regard to the organization and its then fully apprised members and withdraw such governmental benefits as it would be fool-hardy to continue to bestow.

The determination of this appeal must be based upon the fundamental purposes of government contained in the Constitution, and not on imaginary, conjectures of matters not now before the Court. Conjuring inapplicable, hypothetical future cases is not a new tactic in presenting communist appeals to this Court. (See opinion of Vinson, C.J., *Dennis* v. *United States, supra* at page 502.) Neither may the conjecture or assumption that individuals will violate the law be the basis for testing its constitutional validity.

The Sanction Provisions Are Within the Constitutional Powers of the Congress

At the outset, the Court may well, realistically, excise from consideration the sanctions relating to federal and defense facility employment since, as is generally known, those areas are, without regard to this legislation, presently not open to Communist Party members under existing regulations;[5] and the same would apply to the passport question since passports are denied to Communist Party members under existing departmental regulations, 22 C.F.R. § 51.135 *et seq.*

Discussing first those "sanctions" relating primarily to the organization, as such, we consider the requirement that it label publications for mailing or delivery in interstate commerce and announce its sponsorship of broadcasts. The publications and broadcast provisions being identical, in principle, only the publication provision will be discussed.

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[5] See Executive Order 10450, dated April 27, 1953 (18 F. R. 2489); see, also, *Bailey* v. *Richardson*, 182 F. 2d 46 (C.A.D.C.), affirmed 341 U.S. 918.

In essence, this provision, as applied here, amounts to no more than a requirement that petitioner utilize a letterhead on such publications and wrappers, something almost all organizations do automatically, even unpopular ones. It is no burden for the Communist Party to call itself "a communist organization"; and certainly, too, no organization is harmed by a letterhead unless deception is its aim. These provisions, therefore, strike us as reasonable in context.

The tax provision is simply a withdrawal of a matter of grace, *Helvering* v. *Ohio Leather Co.*, 317 U.S. 102. The prohibition of contributions to a communist-action organization by federal and defense facility employees is no different in principle from the Hatch Act prohibition of political activity by federal employees. *United Public Workers* v. *Mitchell*, 330 U.S. 75. It is far more deleterious to the government for its employees materially to support a communist-action organization than to engage in bona fide political activities. If it may prohibit such contributions by federal employees, it may do likewise in regard to defense facility employees since petitioner's roots are in the soil of the foreign nation accountable for most of our defense facilities.

The provision prohibiting holding office in or employment by labor organizations is, we submit, within the rationale of *American Communications Association* v. *Douds*, 339 U.S. 382, where this Court sustained the validity of the so-called non-communist affidavit provision of the Labor-Management Relations Act of 1947 (§ 9(h)). In the years between 1947 and the passage of this amendment to the Act at bar (1954) Congress must have concluded from the experience of those trying years that an extension of the non-communist affidavit provision was warranted and, under *Douds*, is valid.

The provisions applicable to aliens relate to (a) deportation and exclusion, (b) ineligibility for naturalization and (c) denaturalization proceedings. This Court

having decided the validity of the deportation and exclusion provision in *Galvan* v. *Press*, 347 U. S. 522, as petitioner concedes, there appears no point in discussing it further. It would seem, likewise, that, in view of the broad powers of Congress in relation to the grant of citizenship, it may withhold citizenship from aliens who though advised by the law of the land of the nature of the Communist Party, nevertheless insist on being members of or affiliating with it. As to the denaturalization provisions, we believe the Court below correctly declined to entertain their validity, stating ". . . denaturalization does not flow automatically from registration [and] . . . [n]o such case is before [the Court] . . ." as " . . . a regular proceeding for the purpose must be brought . . ." *Communist Party of United States* v. *Subversive Activities Control Board*, 223 F. 2d 531, 557. In any event, the rebuttable presumption created in the denaturalization proceeding is entirely reasonable in context and adequate notice to the individual is present.

This brings us to the question of whether, as contended (Pet. Br. 72, 75), the member-sanctions violate the First Amendment and the due process of law clause by ". . . imposing liability on individuals . . . solely because of their association . . . [and] without regard to the member's lack of knowledge of the claimed illicit purposes of the organization . . .". (Pet. Br. 73)

There is no question here of penalizing possibly innocent, unknowing association (*Weiman* v. *Updegraff*, 344 U.S. 183). Before any liability attaches it will have been declared the law that petitioner is a communist-action organization, with all that imports, and such fact will in addition be published in the Federal Register, which under the Act constitutes notice to all members (§ 13 (k)).[6] There comes a time when a member of an organ-

[6] Respondent's Report and the affirmance of the Court below provide further indication of the unlikelihood of unalerted members of the Party.

ization must be held to be aware of its nature and purposes and surely that time arrives when he is so advised by the Supreme Court of the United States, which would be the case here. If he then desires to remain a member, it is reasonable, in this case, that his name be registered. And, in any event, the element of scienter would have to be established if he were prosecuted, as in any other criminal prosecution. The members, therefore, have due process of law protection.

There is likewise no First Amendment violation. Upon a determination that an organization within its confines is a communist-action organization, Congress would be less than vigilant if it did not close off vulnerable areas (employment and passport provisions) and withdraw grants (alien provisions). After such judicial determination, Congress is not restricted to an expression of consternation, but, rather, may take reasonable, protective measures. And it has.

The petitioner—the Communist Party of the United States of America—has no right whatever under the self-incrimination provision of the Fifth Amendment, nor may it defeat the Act or the Order by indirectly invoking the Fifth Amendment through conjecturing future cases involving the rights of individuals who may be its officers or members. The right under the Fifth Amendment is a personal right granted only to individuals. The constitutional right of every individual against self-incrimination under the Fifth Amendment must, and will be, preserved to him. Such right is not lost by anything contained in the Act. Whenever properly asserted, the courts will protect such rights (*Blau* v. *U. S.* 340 U. S. 332).

The Fifth Amendment contains no equal protection clause and it restrains only such discriminating legisla-

tion by Congress as amounts to a denial of due process. (*Kiyoshi Hirabayashi* v. *United States*, 320 U.S. 81; *Detroit Bank* v. *United States*, 317 U.S. 329, 337, 338.

This Court may not, and should not, test the constitutionality of the Act or the validity of the Order as affecting this petitioner on the assumption in advance that individuals will refuse to obey the law or the Order. Such individuals may willingly comply. Whatever problems may be developed at a later date, and in future cases, they may not be the basis on this appeal of declaring the Act void or the Order invalid as affecting this petitioner.

The effectiveness of the Act must be distinguished from its constitutionality. This Act is constitutional although its enforcement might hereafter encounter such objections over the constitutional rights of the individual officers or members as to render the Act partially ineffective. The constitutionality of the Act and not its wisdom or its effectiveness is now before this Court.

III

THE ORDER AGAINST THE COMMUNIST PARTY OF THE UNITED STATES OF AMERICA HAS BEEN PROPERLY MADE BY THE BOARD.

Due process has been accorded the petitioner. The real complaint of the petitioner, Communist Party of the United States of America, is not that it did not receive a fair hearing, but that despite its every effort and tactic to prevent it, a thorough hearing was held and a just determination finally made. The hearing was in full accordance with the constitutional provisions of due process and the American concept of justice.

The findings of the Board require and fully sustain the ultimate determination that the Communist Party of

the United States of America is a "communist-action organization", as defined in the Act. The Order entered is valid in all respects.

The Court below, after thorough examination of the record, sustained the Board's findings with but slight and immaterial change as to two findings. In a detailed opinion by Prettyman, J., the majority has affirmed the Order of the Board. The dissenting jurist was lead into the very error we have contended against of determining this appeal by this petitioner on the basis of the possible future violation of some individual's rights.

This Court is bound by the findings of fact as found by the Board and the Court below.

The Order is valid and proper under the Act and should be affirmed.

CONCLUSION

Much has been said and written by the petitioner on the dangers to American freedom if the Act and Order here under review are upheld. It is suggested to the Court, by petitioner, the Communist Party, and other *amici curiae* in substance, that the Act is fundamentally totalitarian in nature.

This is not so. A respondent in proceedings under the Act has complete constitutional protection and is afforded full appellate protection with a mandate to the Court of Appeals that in reviewing the sufficiency of the evidence the Court determine whether a preponderance is present, not merely whether as is customary, there is substantial evidence to support an Order of registration. Respondents before the Board have, for example, the use of subpoena power, the right to counsel, the right of cross-examination and the right of rebuttal (Section 13.)

Further, there is nothing in the Act to penalize unwitting individuals or organizations of bygone days.

It is pure fantasy to suggest that validation of the Act will result in "orthodoxy of non-deviation." And if we thought so we would not be here supporting the Act and the Order. As the Court below cogently stated, in a case involving an organization where domination by another is in issue, it is necessary to examine the policies of each, as all circumstances considered, identity of policies may well be probative and is one element to consider. *Communist Party* case, *supra*, pp. 560-61. But one may not reasonably conclude from this that because of the Act individuals or organizations are any less free to speak or publish their views. What is really contended, in effect, is that the Act will inevitably be maladministered and that innocents will be, or will fear being, trapped for sincere expressions of views. The answer to the first is that no *reasonable* construction of the Act supports such a conclusion and certainly no innocents will be trapped "while this Court sits". Holmes, J., in *Panhandle Oil Company* v. *Knox* 277 U.S. 218, at 223. No organizations or individuals who place trust in our institutions need, therefore, feel impelled to "orthodoxy" because of the Act. Not to our knowledge have the dire forebodings made before and after the Act's passage come true and, with a sound administration of the Act, there is no cause for them to come true in the future.

It is being urged upon the Court that to affirm in this case would be to damage the nation's standing at home and abroad and that the "new spirit of conciliation[7] . . . is incompatible with the premise of the Act . . ."

Those arguments, outside the record, are not properly addressed to this Court but must be addressed to the Congress.

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[7] This is a reference to the recent Geneva Conference.

Each of the Act's provisions, in context, and the Act *in toto* are, we contend, reasonable and valid.

To the extent that the current era may be thought to play upon the Congressional findings in the Act, we might say that in a period when most objective observers agree that the Soviet Union may be writing in the sands, it is important that the American people know, for example, who is propagandizing them, i.e., whether it be a communist-action organization or one truly interesfed in preserving our constitutional system.

The experience of recent history, which Congress had before it, shows that it is unwise to take petitioner lightly and pass it off as merely an organization of malcontents. It has been proven that with such approach its members may soon become imbedded to an astounding degree in our national structure by ruse and artifice.

We contend that the "spotlight of pitiless publicity"[8] should be turned on the Communist Party and it is reasonable that its members should be covered by the Act in the interest of the nation's well-being.

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[8] Mr. Justice Black, with Mr. Justice Douglas concurring, in *Viereck, supra*, at p. 250.

It is submitted that the Act is constitutional in all respects and the Order below should be affirmed.

Respectfully submitted,

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